

MINUTES – NOVEMBER 15, 2004

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, November 15, 2004. Members present: Mel O. Battle, Chairman, Larry G. Hamlett, Vice-Chairman, Nathaniel Hall, Jack W. Hooper, Cathy W. Lucas, Kenneth D. Travis, and George W. Ward, Jr. Also present: Jeffrey H. Earp, County Manager, Robert V. Shaver, Jr., County Attorney, Gordon Bendall representing The Caswell Messenger, and Lauren Chesnut representing The Danville Register & Bee. Wanda P. Smith, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Battle opened the meeting with a Moment of Silent Prayer and asked that the Board join him in remembering Ms. Maud F. Gatewood, former Caswell County Commissioner, whose final rites were held yesterday.

APPROVAL OF AGENDA

Commissioner Travis moved, seconded by Commissioner Hamlett to approve the agenda as presented. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Hamlett moved, seconded by Commissioner Travis to approve the Consent Agenda as presented. The motion carried unanimously.

The following items were included on the Consent Agenda:

- 1) Approval of Minutes of November 1, 2004 Meeting

PRESENTATION OF PLAQUES

Vice-Chairman Hamlett presented a plaque of appreciation to out-going Chairman Mel Battle for his loyal and dedicated service and representation of Caswell County during his eight years of service as County Commissioner.

Vice-Chairman Hamlett presented a plaque of appreciation to out-going Commissioner Cathy Lucas for her loyal and dedicated service and representation of Caswell County during her four years of service as County Commissioner.

Vice-Chairman Hamlett presented the Chairman's gavel to Mr. Mel Battle in appreciation of his four years as Chairman of the Board of Commissioners.

PUBLIC COMMENTS

Chairman Battle opened the floor for public comments.

Mr. Bill Bush came before the Board and read the following:

“Ladies and Gentlemen:

Tonight I want to recognize the four years of service Cathy Lucas has given as a Caswell County Commissioner. From the campaign for election to this last meeting, Cathy has served with integrity and dedication, always striving to maintain the independence and authority of the county. I salute her for this consistent aim and for specific accomplishments.

We often hear the phrase “countless hours” used to describe someone’s work. It is the truth for Cathy in terms of time on the Internet, phone, and book research. Her computer has had to be upgraded at least twice during this term, I know, and she wore out a printer, too. This research and background study has gone on before every meeting.

A large part of that phone time has been spent with the Institute of Government. Cathy has found them to be an invaluable resource for quick, definitive answers on policies and procedures. She has passed around many a research item for this board, and she sure knows some names in Raleigh.

Cathy proposed the formation of the Audit Committee and has been insistent on the quality and costs of the audits. Her concern with finance has also led to her work on the Budget Committee, especially in revising our county budget during the year of the drastic cuts from the state and trying to get the most value for the tax dollars we pay. We are grateful. She has stood for careful spending and accounting in all departments, especially Finance. She also made sure all the Vehicle Fire Tax funds went back to the local community fire departments, as was originally intended.

Two specific projects Cathy has taken up show what an effective local politician can do. Cathy took up the cause of paving Poole Road, and with great success consolidated many years of previous efforts. She went to Raleigh, worked the phone, met the people in charge and got the crew into the county to do the work. There are people who will never forget that. Asphalt is a popular thing in other places, too. The paving at the Caswell Recreation Park in Yanceyville came from funding she obtained.

Cathy has stood firm in looking out for the future of this county. She has boldly and firmly proclaimed her support for planning and zoning, because this county is growing and changing. She can see it. She has fought the taking of our Dan River water by the Town of Yanceyville and Roxboro, too. She has the vision to see what the water would eventually mean to us.

We got to know each other when BFI threatened the county, and we're still friends. Cathy will always be a friend to the people of Caswell County. Her home is open, her phone is answered, and she cares what happens. Thank you, Commissioner Lucas."

Mr. Carl Collins, representing the property owners of Poole Road, came before the Board to thank Commissioner Lucas, as well as Chairman Battle and former Commissioner David Wrenn for their help in the work done by NCDOT to Poole Road and Dink Road and them being added to the State System. Mr. Collins stated that they appreciated everything they did for them.

SOLID WASTE CONTRACT

Mr. Robert V. Shaver, Jr., County Attorney, reported that at the Board's October 18, 2004 Board meeting, it voted to rebid the RFP for solid waste collection, to include hauling, recycling, and county facility pick-up, and that proposals be submitted with a decision to be made at tonight's meeting. Mr. Shaver stated that the RFP described the contracting process and stipulated that after submission of the proposals, each service provider would work with him to draft a proposed contract. Mr. Shaver added that both service providers did this and before the Board tonight is the responses to the RFP from Waste Industries and First Piedmont Corporation, as well as the proposed contracts with each company.

Mr. Shaver stated that it appears that First Piedmont Corporation is the lowest bidder. Mr. Shaver reported that First Piedmont Corporation's total estimated yearly cost per Appendix A and B, including county facility pick-up at no additional charge, is \$406,624.00. Mr. Shaver added that Waste Industries tallies Appendix A and B at \$398,975.61, but bids county facility pick-up at an additional cost of \$10,143.36 per year, which brings their yearly cost to \$409,118.97. Mr. Shaver stated that the matter is now before the Board to adopt and authorize execution of one of the contracts.

After discussion, Commissioner Lucas moved, seconded by Commissioner Ward to adopt and authorize execution of the First Piedmont Corporation contract for solid waste collection in Caswell County as presented, being that it is the low bid.

Chairman Battle referred to a letter written by Mr. Tommy Stump as to the Board's action at its August 16, 2004 meeting and stated that he took exception to what was written in this letter. Ms. Cyril Sellers, representing First Piedmont Corporation, stated that it was their contention all along that First Piedmont Corporation had been awarded the contract on August 16, 2004.

Upon a vote of the motion, the motion carried by a vote of four to three with Commissioners Battle, Hall, and Travis voting no.

PUBLIC HEARING – CDBG GRANT FUNDING

Chairman Battle moved, seconded by Commissioner Hall to enter into a public hearing to receive comments on the extension of sewer service to Suburban Mobile Home Park. The motion carried unanimously.

Mr. Michael Walser, Grant Administrator with Hobbs & Upchurch, reported that the purpose of the public hearing is to provide for citizen input regarding a \$120,000 Community Development Block Grant infrastructure grant application for which the County is eligible to apply. Mr. Walser stated that the purpose for the grant application is to provide 3,500 feet of three-inch pressure sewer lines with a pump station to eliminate failing septic systems in Suburban Mobile Home Park on NC Hwy 86. Mr. Walser added that the first public hearing was held at the Board's last meeting and tonight would be the second public hearing, which would meet the requirements of the Community Development Block Grant Program for two public hearings. Mr. Walser stated that it is also required that an authorizing Resolution and certification be adopted. Mr. Walser noted that this would approve the application to be submitted and authorizes the County Manager to sign the documents as necessary for that submittal.

Commissioner Lucas asked that Mr. Walser clarify for her who is actually applying for the grant funds, the County or the Town of Yanceyville. Mr. Walser clarified that Caswell County is applying for the funds. Commissioner Lucas stated that the notice that was advertised in The Caswell Messenger reads, "The Town will be applying for \$120,000 to be used to install 3,500 LF of 3" pressure sewer lines with a pump station to eliminate failing septic systems in Suburban Mobile Home Park". Commissioner Lucas questioned whether there would be a problem with the notice being run incorrectly in The Caswell Messenger. Mr. Walser stated that this was actually the second notice that was run. Mr. Walser added that immediately following the Board's last meeting, he did not have time to advertise the notice in the local paper; therefore, he ran it in The Danville Register & Bee on November 5, 2004, and it stated that Caswell County was applying for the funds. Mr. Walser noted that the public hearing notice that was advertised in The Danville Register & Bee is the actual public hearing notice that will be accepted by the State. Commissioner Lucas stated that she has a real problem with the fact that the notice that was run in The Danville Register & Bee states that Caswell County is applying for the funds, while the notice that was run in The Caswell Messenger states that the Town is applying for the funds. Commissioner Lucas added that this is confusing for the public.

Ms. Lorrie Wrenn stated that she is familiar with applying for grant funding, and if the wording is not correct, the notice needs to be run again. Mr. Walser stated that both notices that ran in The Danville Register & Bee, one on October 22, 2004, and the second notice on November 5, 2004, stated that Caswell County was applying for the grant funds.

Mr. Bill Bush asked if The Danville Register & Bee is the legal paper of record for Caswell County and noted that it is an out-of-state paper. Mr. Bush stated that The

Caswell Messenger is where the County's legal notices are run and questioned the appropriateness of this.

Mr. Walser stated that he has been preparing grant applications in the County for 15 years and he has always run into the problem of meeting the deadline for the weekly local paper and has run notices in The Danville Register & Bee numerous times and it has been accepted. Mr. Walser added that the State actually prefers that a larger paper with a regional distribution be used.

Commissioner Lucas stated that she has never known it to be the practice of this Board to advertise legal notices in any paper other than The Caswell Messenger.

Commissioner Ward asked if the public notice needed to be advertised again. Chairman Battle answered that according to Mr. Walser, the two notices run in The Danville Register satisfies all of the legal requirements by the State.

Commissioner Lucas questioned why the Resolution was not included in the agenda package. Mr. Earp answered that he received the Resolution after the agenda package went out to the Board members.

Commissioner Lucas raised a number of questions about the Resolution. Mr. Walser clarified that the Resolution before the Board is specifically for the Suburban Mobile Home Park Project. Upon questioning from Commissioner Lucas, Mr. Walser clarified that Caswell County is the funding agency and will turn the sewer lines over to the Town of Yanceyville and the Town will own it, maintain it, and receive the revenue from it. Mr. Walser stated that the Town will have to provide documentation to the State showing that they have sufficient revenues and means to maintain the line and a wastewater treatment plant that can handle the additional flow.

There being no further public comments, Chairman Battle declared the public hearing closed.

Commissioner Hall noted a number of corrections to the proposed Resolution. Mr. Walser clarified that the Resolution is a form provided by the State and noted the corrections.

Commissioner Lucas questioned the County Attorney as to the County's liability associated with this project. The County Attorney answered that he was not aware of any liability that would be incurred by the County. Mr. Walser stated that the pump station would be located on the mobile home park property. Mr. Walser added that the property owner of the park is Mr. James Williams of Durham, North Carolina and he has asked for the project, has agreed to accept the pump station, and he will extend the lines to the mobile homes.

After further discussion, Commissioner Hall moved, seconded by Commissioner Travis to adopt the following Authorizing Resolution and Certification with corrections as

noted. The motion carried by a vote of five to two with Commissioners Hamlett and Lucas voting no.

**CASWELL COUNTY
CDBG AUTHORIZING RESOLUTION AND CERTIFICATION**

WHEREAS, various State and Federal agencies provide funds to local governments to meet the needs of financing the cost of Community Development; and

WHEREAS, the Division of Community Assistance will be the State administering agency for the Community Development Block Grant Program whose funds are designed to improve the living condition and environment of low to moderate income households; and

WHEREAS, the Board of Commissioners of Caswell County has solicited and received citizen input regarding a sewer line project at the Suburban Mobile Home Park located on NC Highway 86 in Yanceyville; and

WHEREAS, the Suburban Mobile Home Park Sewer Improvements Community Development Block Grant Infrastructure Project will, as part of the grant, provide sewer line construction with a pump station to benefit low to moderate income homes located in Suburban Mobile Home Park.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CASWELL COUNTY:

That the Board of Commissioners of Caswell County will substantially comply with all Federal, State and local laws, rules, regulations and ordinances pertaining to the project and to Federal and State grants pertaining thereto.

That, Jeffrey H. Earp, County Manager, and successors so titled is hereby authorized and directed to furnish such information as the appropriate governmental agencies may request in connection with such applications for the project; to make the assurances and certifications as contained above, and to execute such other documents as may be required in connection with the construction of the project.

That this Resolution shall take effect immediately upon its adoption.

Adopted by majority vote this 15th day of November, 2004, at the regular meeting of the Caswell County Board of Commissioners in Yanceyville, North Carolina.

S/M. O. Battle

Mel O. Battle, Chairman

Attest:

S/Wanda P. Smith

Wanda P. Smith, Clerk to the Board

MEDICAID COST REFORM IN NC

Mr. Robert V. Shaver, Jr., County Attorney, presented proposed legislation supported by other counties on Medicaid cost reform. Mr. Shaver referred to a letter from Northampton County Chairwoman Virginia Spruill seeking the County's support in advocating for Medicaid cost reform in NC. Mr. Shaver informed the Board that North Carolina is one of only two states in the nation that requires county cost sharing for the Medicaid Program.

After further discussion, Chairman Battle moved, seconded by Commissioner Lucas to direct staff to write letters to its legislative delegation encouraging its support of a Bill to be entitled, "An Act to Phase-out the County Cost Share for the Medicaid Program Over a Five-Year Period and to Provide Immediate Relief for Tier One (1) Counties". The motion carried unanimously.

COUNTY MANAGER'S REPORT

Mr. Jeff Earp, County Manager, presented a request from Concord Christian Church to reconsider the tax status of a four-acre parcel of land owned by the Church. Mr. Earp stated that the Church owns an undeveloped four-acre tract of land adjacent to the Church with future plans to use it for cemetery plots. Mr. Earp informed the Board that the Caswell County Tax Director has declined to give this parcel tax exempt status because it is undeveloped land not currently used in the operations of the Church in accordance with NC General Statute 105-278.3. The Board took no action on this request.

Mr. Earp requested that he be allowed to participate in the Piedmont Triad's Partnership Foundation Triad Leadership Network Program. Mr. Earp stated that Commissioner Hall encouraged him to participate in this program which is offered each year to members of the 12-county Piedmont Triad region's local government leaders. Mr. Earp added that the mission of this program is to promote regional thinking to provide opportunities for enhanced communication, education, and understanding of regional issues. Mr. Earp reported that the program schedule requires a commitment of six months with eight sessions and the cost is \$525. After discussion, Commissioner Hall moved, seconded by Commissioner Hooper to approve the County Manager's participation in the Piedmont Triad's Partnership Foundation Triad Leadership Network Program. The motion carried by a vote of six to one with Commissioner Lucas voting no.

ANNOUNCEMENTS/QUESTIONS

Chairman Battle stated that he would hope that in following tradition the Board would collectively contribute to the Maud Gatewood Endowment Fund.

Commissioner Hall reported that he attended the Agri-Expo that was sponsored by the Cooperative Extension Service this past Friday. Commissioner Hall stated that it was a very good expo and hoped that it would be held again next year for those who did not have an opportunity to attend.

Commissioner Hamlett commented that he was at the Library and the new lighting has been installed and looks very good.

CLOSED SESSION

Chairman Battle moved, seconded by Commissioner Travis that the Board enter into closed session to prevent the disclosure of confidential information that is made privileged or confidential (NCGS 143-318.10(e)). The motion carried unanimously.

REGULAR SESSION

Chairman Battle moved, seconded by Commissioner Travis to resume regular session. The motion carried unanimously.

CHAIRMAN'S COMMENTS

Chairman Battle stated that he would like to thank the Board, citizens, and his family for allowing him to serve on the Board of Commissioners. Chairman Battle added that he has enjoyed the last eight years and wished the Board the best.

Commissioner Hooper responded to Chairman Battle that he has enjoyed serving on the Board with him and valued his advice. Commissioner Hooper stated that he wished Chairman Battle the best and good health.

THE ADJOURNMENT

At 7:30 p.m. Chairman Battle moved, seconded by Commissioner Travis to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

M. O. Battle
Chairman

NORTH CAROLINA
CASWELL COUNTY

I, Wanda P. Smith, Clerk to the Board, do hereby certify that this is a true and accurate copy of the minutes of the Caswell County Board of Commissioners' meeting held on Monday, November 15, 2004.

Date

Wanda P. Smith
Clerk to the Board